

ED

Notice of Allowability

Application No.

10/820,352

Applicant(s)

HARTMANN, MARKUS

Examiner

Edward F. Landrum

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's remarks filed 7/2/2007.
2. ☒ The allowed claim(s) is/are 1 and 4-9.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alexander Zinchuk on 7/30/2007.

The application has been amended as follows:

In line 16 of claim 1, the phrase "said connection means (16)" has been deleted and replaced with "said connection means (21) of said guide means (22)".

Allowable Subject Matter

2. Claims 1 and 4-9 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claim 1 is allowable for teaching a motor-driven saber saw. The saber saw has a neck where a guide means is connected to the saber saw housing by means of a spring biased adjusting device containing a locking member. The spring used in the adjusting device is a springy bar. The spring bar biases the locking member between a pair of rib guides into engagement with the guide means.

Gerritsen (U.S Patent No. 5,421,091) teaches (see Figure 1) a motor driven reciprocating saw comprising a housing (12), guide means (25) with a connection element (28) that is releasably connectable to the housing (12). The housing (12) has a

connection means (20 and 45) the plunger (45) being adjustable. The plunger has a spring (52) attached to it for biasing the adjusting device (45) to a locking position. Both grooved support arms on the connection element (28) of the guide means (25) are released in the same direction (see Figure 1). The plunger (45) moves away from the housing side (20a) when releasing the guide means (25) from the housing. Moreover, the plunger (45) has two separate parts; an actuation element (54) is located on one side and an adjusting element (46) on the other. Lastly, all of the moving parts of the adjusting device (20, 54, and 46) and the housing (12 as shown by crevice 20b)) have a common release direction and are capable of being formed by a die casting process. Gerritsen fails to teach the spring member being a springy bar and the locking member disposed between two rib guides.

Morehouse (U.S Patent No. 1,753,441) teaches (see Figure 1) a springy bar (29) that is substantially parallel to the housing used to bias a locking element (28) into adjustment notches (27) found on the shaft of a tool extending from the housing. The spring bar (29) is attached to the housing with a single screw (see Figure 1). Morehouse fails to teach the springy bar being rectilinear and the locking member being disposed between a pair of rib guides.

Young (U.S Patent No. 998,318) teaches (see Figures 1 and 2) the use of a rectilinear springy bar to lock the joint of separate shafts. Young fails to teach the locking member being disposed between a pair of rib guides.

The combination of Gerritsen, Morehouse, and Young teach all of the elements of the current invention except the locking member being disposed between a pair of rib

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guides. No teaching can be found to provide a pair of rib guides for a locking member disposed on a rectilinear spring. Therefore it would be improper hindsight to place ribs on the device of Gerritsen.

4. Claims 4-9 are dependent on claim 1 and are therefore considered allowable.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EFL

7/30/2007



BOYER D. ASHLEY
SUPERVISORY PATENT EXAMINER